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International Atomic Energy Agency

GENERAL CONFERENCE

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Thirty-fifth regular session
Sub-item 11(e) of the provisional agenda
(GC(XXXV)/952)

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN MATTERS RELATING TO NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION

(e) PROHIBITION OF ALL ARMED ATTACKS AGAINST NUCLEAR INSTALLATIONS DEVOTED TO PEACEFUL PURPOSES WHETHER UNDER CONSTRUCTION OR IN OPERATION (GC(XXXIV)/RES/533)

Report by the Director General

1. In resolution GC(XXXIV)/RES/533, the General Conference requested the Director General to inform it, at its thirty-fifth regular session, about developments in this area.

2. On 24 January 1991, the Conference on Disarmament re-established the Ad Hoc Committee on Radiological Weapons. Subsequently, the Ad Hoc Committee re-established its Contact Group B to consider issues relevant to the prohibition of attacks against nuclear facilities.

3. Contact Group B has discussed possible elements relevant to the prohibition of attacks against nuclear facilities, such as the scope of undertakings and related definitions, and has tried in particular to find common ground between the proviso not to create undue military advantages and the necessity to avoid mass destruction.

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4. A report of the Ad Hoc Committee and Contact Group B is expected to be completed in September 1991.

5. In 1987, in resolution GC(XXXI)/RES/475, the General Conference authorized the Director General to assist the work of the Conference on Disarmament and other competent international organs, at their request, by undertaking studies within the technical competence and statutory responsibilities of the Agency.

6. In a letter of 4 February 1988 to the Secretary General of the Conference on Disarmament, such assistance was offered. In his reply of 19 July 1988 the Secretary General informed the Agency that the offer had been taken note of with appreciation and that the Conference would continue to keep it under review for its future work on the subject concerned. There has been no further communication so far.

7. On 4 December 1990 the UN General Assembly adopted a resolution on the "Prohibition of Attacks on Nuclear Facilities" (A/RES/45/58/ J).

8. The relevance of current consideration of this subject was shown in 1991 by attacks on nuclear installations in Iraq and by the reported threat of attacks on the Krsko nuclear power plant in Yugoslavia.

(a) During the UN-authorized military action against Iraq following Iraq's occupation of Kuwait, some nuclear installations in Iraq were bombed. The Director General referred to this in the Board last February. The Board did not discuss the matter at that time and has not done so subsequently from the point of the view of the General Conference resolution under consideration.

(b) Following expressions of international concern for the security of the Krsko nuclear power plant, the Acting Director General, in a letter of 4 July 1991 to the President of Yugoslavia, asked for confirmation that all necessary precautions had been taken to ensure that no hostile action against the Krsko plant or military action in its immediate vicinity could endanger its integrity and safety. In a letter of 8 July 1991 the Yugoslav Ministry of Foreign Affairs of stated that the inviolability and safety of the Krsko nuclear power plant was a continuing and undiminished concern of the Yugoslav Government and of other appropriate authorities. There has been no reported evidence of damage to the power plant. It may be mentioned, in this connection, that Yugoslavia is a party (since 1979) to Protocol II additional to the Geneva Conventions of 12 August 1949, Article 15 of which prohibits attacks on "Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations" if such attacks may cause "the release of dangerous forces and consequent severe losses among the civilian population."

8. Reference has been made in recent months to resolutions adopted by the General Conference on this subject (see Attachments 1-4 for the texts of resolutions GC(XXVII)/RES/407, GC(XXIX)/RES/444, GC(XXXI)/RES/475 and GC(XXXIV)/RES/533).

Attachment 1

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International Atomic Energy Agency

GENERAL CONFERENCE

GC(XXVII)/RES/407
9 November 1983
GENERAL Distr.

Twenty-seventh regular session

Agenda item 7
(GC(XXVII)/700)

GENERAL DEBATE AND ANNUAL REPORT FOR 1982

Resolution adopted during the 256th plenary meeting on 14 October 1983

PROTECTION OF NUCLEAR INSTALLATIONS DEVOTED TO PEACEFUL PURPOSES AGAINST ARMED ATTACKS

The General Conference,

(a) Recalling that it is an objective of the International Atomic Energy Agency to "seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world" and that in carrying out its functions the Agency shall "conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies",

(b) Considering that it is consistent with these statutory provisions for the Agency to promote the development, without obstacles, of the peaceful uses of atomic energy and to take decisions relating thereto,

(c) Recognizing the competence of other international organs in the field of disarmament,

(d) Taking into account the consensus among Member States of the Agency that armed attacks against peaceful nuclear installations should not only be discouraged but also explicitly prohibited,

(e) Recalling that additional Protocol 1 to the Geneva Convention of 1949 prohibits attacks on peaceful nuclear electricity generating stations while other nuclear installations also devoted to peaceful uses are not covered by that prohibition, and

(f) Believing that it would further the cause of peace to extend the prohibition of armed attack so as to protect all nuclear installations devoted to peaceful purposes,

1. Declares that all armed attacks against nuclear installations devoted to peaceful purposes should be explicitly prohibited;

2. Urges all Member States to make, individually and through competent international organs, every possible effort for the adoption of binding international rules prohibiting armed attacks against any nuclear installation devoted to peaceful purposes; and

3. Requests the Director General to keep the General Conference informed of developments in this area.

Attachment 2

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GC(XXIX)/RES/444
9 October 1985

International Atomic Energy Agency

GENERAL Distr.

GENERAL CONFERENCE

Twenty-ninth regular session
Agenda item 11
(GC(XXIX)/763)

PROTECTION OF NUCLEAR INSTALLATIONS
DEVOTED TO PEACEFUL PURPOSES AGAINST ARMED ATTACKS

Resolution adopted during the 280th plenary meeting on 27 September 1985

PROTECTION OF NUCLEAR INSTALLATIONS
DEVOTED TO PEACEFUL PURPOSES AGAINST ARMED ATTACKS

The General Conference,

(a) Recalling its resolution GC(XXVII)/407 on protection of nuclear installations devoted to peaceful purposes against armed attacks,

(b) Recalling that the General Conference has declared that armed attacks must be explicitly prohibited, urged all Member States of the International Atomic Energy Agency to make individually and through competent international organs every possible effort for the adoption of binding international rules prohibiting such attacks and requested the Director General to keep the General Conference informed of developments in this area,

(c) Having considered the reports by the Director General contained in document GC(XXVIII)/721 and his statement made to the 29th regular session of the General Conference,

(d) Reaffirming its confidence in the effectiveness of the Agency's safeguards system as a reliable means of verifying the peaceful use of nuclear facilities,

(e) Considering that any attacks or threats of attack against nuclear facilities devoted to peaceful purposes jeopardize the development and further promotion of the peaceful uses of nuclear energy, and therefore, the achievement of one of the main objectives of the International Atomic Energy Agency,

(f) Concerned that such attacks raise fears about the radiological safety of present and future nuclear facilities, and

(g) Aware that all States developing nuclear energy for peaceful purposes need assurances against armed attacks on peaceful nuclear facilities,

1. Expresses its appreciation for the steps already taken by the General Assembly of the United Nations and the Committee on Disarmament in an area that the IAEA considers of fundamental importance for the promotion of peace and international co-operation, the development of peaceful uses of atomic energy, and the fulfillment of the objectives enshrined in the Statute of the IAEA;

2. Considers that any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the United Nations Charter, international law and the Statute of the Agency;

3. Urges once again all Member States to make, individually and through competent international organs, further continuous efforts aimed at the prompt adoption of binding international rules prohibiting armed attacks against all nuclear installations devoted to peaceful purposes;

4. Affirms the readiness of the International Atomic Energy Agency to assist the competent international organs, if they so request, in any technical and safeguards aspects of the matter;

5. Declares that in the case of any armed attack to a nuclear installation devoted to peaceful purposes the matter will be examined by the International Atomic Energy Agency in accordance with its Statute and the relevant resolutions; and

6. Requests the Director General to continue to keep the General Conference informed of further developments in this area.

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Attachment 3

International Atomic Energy Agency

GENERAL CONFERENCE

GC(XXXI)/RES/475
5 October 1987

GENERAL Distr.

Thirty-first regular session
Agenda item 10
(GC(XXXI)/818)

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION

Resolution adopted during the 302nd plenary meeting, on 25 September 1987

PROTECTION OF NUCLEAR INSTALLATIONS AGAINST ARMED ATTACKS

The General Conference,

(a) Recalling IAEA General Conference resolution GC(XXIX)/RES/444, and in particular its operative paragraphs 3 and 4,

(b) Aware of the fact that an armed attack on a nuclear installation could result in radioactive releases with grave consequences within and beyond the boundaries of the State which has been attacked, and

(c) Convinced of the need to prohibit armed attacks on nuclear installations from which such releases could occur and of the urgency of concluding an international agreement in this regard, and

(d) Aware of the ongoing work of the Conference on Disarmament with a view to concluding an international agreement in this regard,

1. Takes note of the discussions in the Board on this matter;

2. Authorizes the Director General to assist the work of the Conference on Disarmament and other competent international organs, at their request, by undertaking studies within the technical competence and statutory responsibilities of the Agency; and

3. Requests the Director General to keep the Board and the General Conference informed about the progress in this regard.

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Attachment 4

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GC(XXXIV)/RES/533
October 1990

GENERAL Distr.

International Atomic Energy Agency

GENERAL CONFERENCE

Thirty-fourth regular session
Agenda item 10(f)
(GC(XXXIV)/939)

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN MATTERS RELATING TO NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION

Resolution adopted during the 332nd plenary meeting on 21 September 1990

PROHIBITION OF ALL ARMED ATTACKS AGAINST NUCLEAR INSTALLATIONS DEVOTED TO PEACEFUL PURPOSES WHETHER UNDER CONSTRUCTION OR IN OPERATION

The General Conference,

(a) Having considered the agenda item "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation",

(b) Recalling resolution GC(XXIX)/RES/444, in operative paragraph 2 of which the Conference considers that "any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the United Nations Charter, international law and the Statute of the Agency",

(c) Recalling also resolution GC(XXXI)/RES/475, in which the Conference states, inter alia, that it is

- aware of the fact that an armed attack on a nuclear installation could result in radioactive releases with grave consequences within and beyond the boundaries of the State which has been attacked,

- convinced of the need to prohibit armed attacks on nuclear installations from which such releases could occur and of the urgency of concluding an international agreement in this regard, and

- aware of the ongoing work of the Conference on Disarmament with a view to concluding an international agreement in this regard,

1. Recognizes that attacks or threats of attack on nuclear facilities devoted to peaceful purposes could jeopardize the development of nuclear energy;

2. Considers that the safeguards system of the Agency is a reliable means of verifying the peaceful uses of nuclear energy;

3. Recognizes that an armed attack or a threat of armed attack on a safeguarded nuclear facility, in operation or under construction, would create a situation in which the United Nations Security Council would have to act immediately in accordance with the provisions of the United Nations Charter;

4. Encourages all Member States to be ready to provide - if requested - immediate peaceful assistance in accordance with international law to any State whose safeguarded nuclear facilities have been subjected to an armed attack;

5. Calls upon all States to abide any decisions taken by the Security Council in accordance with the United Nations Charter in relation to the attacking State;

6. Appeals to States participating in the Conference on Disarmament to overcome their differences;

7. Urges all States to co-operate in achieving a successful resolution of the issue in the near future; and

8. Requests the Director General to inform the General Conference at its thirty-fifth regular session about developments in this area.